

BC # 16,0021

# United States Bankruptcy Court

District Of ARIZONA

In re WHISPERING WINDS PROPERTY LLC  
AND DAN WISE Debtor  
  
MAUREEN GAUGHAN, Trustee, to  
SM FINANCIAL SERVICES CORPORATION,  
Assignee Plaintiff  
  
v.  
HARRY BANK, ET AL  
Defendant

2:08-bk-15620-RJH  
Case No. 2:08-bk-15625-RJH  
jointly administered  
Chapter 7  
  
Adv. Proc. No. 2:10-ap-02150-RJH

## CERTIFICATION OF JUDGMENT FOR REGISTRATION IN ANOTHER DISTRICT

I, clerk of the United States Bankruptcy Court, do certify that the attached judgment is a true and correct copy of the original judgment entered in this proceeding on \_\_\_\_\_ as it appears in the records of this court, and that: (date)

- ☒ No notice of appeal from this judgment has been filed, and no motion of the kind set forth in Federal Rule of Civil Procedure 60, as made applicable by Federal Rule of Bankruptcy Procedure 9024, has been filed.
- ☐ No notice of appeal from this judgment has been filed, and any motions of the kind set forth in Federal Rule of Civil Procedure 60, as made applicable by Federal Rule of Bankruptcy Procedure 9024, have been disposed of, the latest order disposing of such a motion having been entered on \_\_\_\_\_ (date).
- ☐ An appeal was taken from this judgment, and the judgment was affirmed by mandate of the \_\_\_\_\_ (name of court) issued on \_\_\_\_\_ (date).
- ☐ An appeal was taken from this judgment, and the appeal was dismissed by order entered on \_\_\_\_\_ (date).

I HEREBY CERTIFY THAT THE ANNEXED INSTRUMENT  
IS A TRUE AND CORRECT COPY OF THE ORIGINAL  
ON FILE IN THE OFFICE OF THE BANKRUPTCY CLERK.

DATED: 3/15/16

Genee Bryant  
AUTHORIZED DEPUTY CLERK

3/15/16  
Date

By: George Prentice  
Clerk of the Bankruptcy Court

Genee Bryant  
Deputy Clerk

2 of 4  
**IT IS HEREBY ADJUDGED  
 and DECREED this is SO  
 ORDERED.**

The party obtaining this order is responsible for  
 noticing it pursuant to Local Rule 9022-1.

**Dated: February 15, 2011**



Daniel P. Collins (State Bar Id No. 009055)  
 Theodore P. Witthoft (State Bar Id No. 021632)  
 Patrick T. Derksen (State Bar Id No. 023178)  
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*Randolph J. Haines*  
**RANDOLPH J. HAINES**  
 U.S. Bankruptcy Judge

Attorneys for Chapter 7 Trustee, Maureen Gaughan

**UNITED STATES BANKRUPTCY COURT  
 DISTRICT OF ARIZONA**

In re:  
 WHISPERING WINDS PROPERTIES,  
 L.L.C. AND DAN WISE,  
 Debtors.

**Chapter 7**  
**Case No. 2:08-bk-15620-RJH**  
**Case No. 2:08-bk-15625-RJH**  
**(Jointly Administered)**  
**Adversary No. 2:10-ap-02150-RJH**

MAUREEN GAUGHAN, Trustee,  
 Plaintiff,

**DEFAULT JUDGMENT AGAINST  
 LAWRENCE J. CHENIER, JR.,  
 JANE DOE CHENIER, SAGALL,  
 LLC, JONATHAN WEISS and  
 JANE DOE WEISS**

v.

**I HEREBY CERTIFY THAT THE ANNEXED INSTRUMENT  
 IS A TRUE AND CORRECT COPY OF THE ORIGINAL  
 ON FILE IN THE OFFICE OF THE BANKRUPTCY CLERK.**

HARRY BANK and JANE DOE BANK;  
 LAWRENCE J. CHENIER, JR. and JANE  
 DOE CHENIER; RICHARD G. HEIMAN and  
 JANE DOE HEIMAN; ERICKA KLEIN and  
 JOHN DOE KLEIN; SAGALL, LLC; a  
 Delaware limited liability company; TUSHAR  
 K. DESAI and JANE DOE DESAI; and  
 JONATHAN WEISS AND JANE DOE  
 WEISS;

**DATED: 3/15/10** *Benee Bryant*  
**AUTHORIZED DEPUTY CLERK**

Defendants.

1  
2 Maureen Gaughan, the plaintiff and Chapter 7 trustee of the Whisperings Winds  
3 Properties, LLC and Dan Wise bankruptcy cases (hereinafter "Plaintiff" or "Trustee"), having  
4 filed her Application for Entry of Default against Defendants Lawrence J. Chenier, Jr. and Jane  
5 Doe Chenier, husband and wife, Sagall, LLC, a Delaware limited liability company, and  
6 Jonathan Weiss and Jane Doe Weiss, husband and wife (collectively, "Defendants"); the  
7 Defendants being neither infant nor incompetent; the Defendants having been properly served  
8 pursuant to Rule 7004(b)(3) of the Federal Rules of Bankruptcy Procedure; the statutory time  
9 within which to plead or otherwise defend and the Defendants having failed to do so; the Clerk  
10 of the Court having duly entered the default against the Defendants; the Complaint having set  
11 forth facts sufficient to support the claim for relief, and good cause appearing, it is:

12 ORDERED, ADJUDGED, AND DECREED granting Judgment by default against  
13 Lawrence J. Chenier, Jr. and Jane Doe Chenier, husband and wife, Sagall, LLC, a Delaware  
14 limited liability company, and Jonathan Weiss and Jane Doe Weiss, husband and wife, in favor  
15 of the Plaintiff as follows:

16 A. Entering monetary judgment against Lawrence J. Chenier, Jr. and Jane Doe  
17 Chenier, jointly and severally, in the amount of \$3,438,682.00, pursuant to 11 U.S.C. § 550;

18 B. Entering monetary judgment against Sagall, LLC, a Delaware limited liability  
19 company, in the amount of \$20,000.00, pursuant to 11 U.S.C. § 550;

20 C. Entering monetary judgment against Jonathan Weiss and Jane Doe Weiss, jointly  
21 and severally, in the amount of \$32,375.00, pursuant to 11 U.S.C. § 550;

22 D. Avoiding the Lawrence Chenier Transfers (as defined in the Complaint), the Sagal  
23 Transfers (as defined in the Complaint) and the Weiss Transfers (as defined in the Complaint),  
24 pursuant to 11 U.S.C. § 548, 11 U.S.C. § 544(b) and A.R.S. § 44-1004(A)(1);

25 E. Each Defendant's respective monetary judgment shall accrue interest at the rate  
26 proscribed at 28 U.S.C. § 1961, from the date of the entry of this Judgment until paid in full;

1 F. Plaintiff may record this Judgment in any appropriate county recorder's office;  
2 and

3 G. This Judgment is a final Judgment which can be enforced and relied upon  
4 according to its terms, and this Court hereby determines that, in accordance with Rule 54(b) of  
5 the Federal Rules of Civil Procedure and Bankruptcy Rule 7054, there is no just reason for delay  
6 in the entry of this Judgment and this Court expressly directs this Judgment shall be entered  
7 immediately and shall be and hereby is a final Judgment of this Court.

8 **SIGNED AND DATED ABOVE.**  
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